

ARKANSAS COURT OF APPEALS

EN BANC

No. CA08-1091

TERRY RICHARDSON,
APPELLANT

V.

RHONDA RICHARDSON,
APPELLEE

Opinion Delivered 19 NOVEMBER 2008

APPEAL FROM THE
INDEPENDENCE COUNTY
CIRCUIT COURT
[NO. DR-06-167-2]

THE HONORABLE JOHN NORMAN
HARKEY, JUDGE

DISMISSED WITHOUT PREJUDICE

PER CURIAM

Appellant Terry Richardson has moved for a stay in this divorce appeal. He seeks to stop the sale of real and personal property pursuant to the divorce decree. The sale is scheduled for December 17th. In the course of considering the stay motion, we have determined that we lack jurisdiction.

After ordering the sale of real property, the circuit court's decree ordered:

All Personal Property acquired after the marriage date shall be sold and the net proceeds shall be divided equally. The parties are directed to submit to each other a list of the personal property alleged to have been purchased after the date of the marriage. The personal property agreed to have been purchased after the date of marriage shall be sold by the Independence County Circuit Clerk within sixty (60) days of the entry of this Decree. The remaining disputed property shall be subject to further hearings in this Court.

The unresolved issues about personal property destroy the decree's finality. *Roberts v. Roberts*, 70 Ark. App. 94, 95–96, 14 S.W.3d 529, 530–31 (2000). And the circuit court made no Rule of Civil Procedure 54(b) certification. *Jones v. Huckabee*, 363 Ark. 239, 240–41, 213 S.W.3d 11, 12–13 (2005). We therefore dismiss the appeal without prejudice. The mandate shall issue immediately so that the parties will have the opportunity to address the stay request in the circuit court before the sale date.